

ESTTA Tracking number: **ESTTA699174**

Filing date: **09/30/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

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|---------------------------------------|--|
| Name | Laverana GmbH & Co. KG |
| Granted to Date of previous extension | 09/30/2015 |
| Address | Am Weingarten 4 Wennigsen, D-30974 GERMANY |
| Attorney information | Susan Neuberger Weller Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. 701 Pennsylvania Avenue, N.W.Suite 900 Washington, DC 20004 UNITED STATES snweller@mintz.com, jddib@mintz.com Phone:2025853510 |

Applicant Information

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|------------------------|--|------------------------|------------|
| Application No | 86493030 | Publication date | 06/02/2015 |
| Opposition Filing Date | 09/30/2015 | Opposition Period Ends | 09/30/2015 |
| Applicant | Leivaire Inc SUITE 302 MARKHAM, L3R0M3 CANADA | | |

Goods/Services Affected by Opposition

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| Class 035. First Use: 2002/05/28 First Use In Commerce: 2005/05/19 All goods and services in the class are opposed, namely: Import and export agencies; Customs clearance services |
| Class 041. First Use: 2002/05/28 First Use In Commerce: 2005/05/19 All goods and services in the class are opposed, namely: Education services, namely, providing classes, seminars, and workshops on real estate, financial planning and investing |

Grounds for Opposition

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| Priority and likelihood of confusion | Trademark Act section 2(d) |
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Marks Cited by Opposer as Basis for Opposition

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| U.S. Registration No. | 2687717 | Application Date | 02/22/1999 |
| Registration Date | 02/18/2003 | Foreign Priority Date | NONE |

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| Word Mark | LAVERA |
| Design Mark | |
| Description of Mark | NONE |
| Goods/Services | <p>Class 003. First use: First Use: 0 First Use In Commerce: 0 COSMETICS, NAMELY, FACE CREAMS AND LOTIONS, SKIN CLEANSERS, PERSONAL HYGIENE PRODUCTS, NAMELY, SHOWER GELS, SHAMPOOS AND BODY LOTIONS, SUN SCREEN PREPARATIONS; PRODUCTS FOR BABIES' AND CHILDRENS' CARE, NAMELY, BATHING OILS, SHAMPOOS, SKIN OILS AND CREAMS; MEN'S CARE PRODUCTS, NAMELY, SHAVING CREAM, AFTER-SHAVE BALMS, SHOWER SHAMPOOS AND DEODORANTS; HAIR LOTIONS, DENTIFRICES, [PERFUME, FOOT CREAMS AND LOTIONS; FOOT CARE PRODUCTS, NAMELY, ABRASIVE DEVICES IN THE NATURE OF PUMICE STONES, RASPS, OR FILES FOR TREATING CORNS AND CALLUSES, NON-MEDICATED POWDERS AND LIQUIDS FOR BATHING FEET, AND NON-ELECTRIC MASSAGE DEVICES, SPECIFICALLY, DEVICES DESIGNED FOR MASSAGING FEET;] DECORATIVE COSMETICS, NAMELY, TINTED MOISTURIZING CREAMS, MAKEUP, COMPACT FACE POWDERS AND ROUGES, COVER-UP STICKS, LIPSTICKS, EYE-DECORATING PENCILS AND MASCARA</p> <p>Class 005. First use: First Use: 0 First Use In Commerce: 0 [NUTRITIONAL SUPPLEMENTS AND VITAMINS]</p> |

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| U.S. Registration No. | 4230293 | Application Date | 03/24/2009 |
| Registration Date | 10/23/2012 | Foreign Priority Date | NONE |
| Word Mark | LAVERA | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 003. First use: First Use: 1987/11/30 First Use In Commerce: 1999/05/31 After-shave products, namely, lotions, cologne, balms, creams, emulsions, and gels; shaving preparations, namely, foams and gels; after-sun care products, namely, creams, gels, lotions, milks, and oils; age-retardant products, namely, gels, creams, and lotions; deodorants for personal use; anti-aging products, namely, cleansers, creams, moisturizers, and toners; anti-wrinkle creams; aromatherapy body care products, namely, body lotions, shower gels, shampoos, conditioners, non-medicated lip balms, soaps, body polish, body and foot scrub and non-medicated foot creams, oils, and sprays; baby skin and hair care products, namely, lotions, oils, powders, shampoos, hair conditioners; bath and shower products, namely, gels, salts, mineral salts, creams, lotions, oils, and soaps in liquid, or gel form not for medical purposes; beauty products, namely, creams, gels, lotions, masks, milks, and serums; body and beauty care cosmetics, namely, body creams, body deodorants, body lotions, body mask creams,</p> | | |

body mask lotions, body milks, body oils, spray used as a personal deodorant and as fragrance, and body washes; cleansing products, namely, creams, milk; colognes and perfumes; color cosmetic products, namely, blush, blush pencils, chalk for cosmetic use, pencils, eyeliners, eye make-up, eye shadows, eyebrow cosmetics, face highlighters, rouges, lip liners, lipsticks, concealers for face and body, make-up, creamy face powder, glitter powder, pressed face powder, creamy foundation, foundation make-up, loose face powder, mascaras, and creamy rouges; cosmetic preparations, namely, preparations against sunburn, sun-tan preparations, and sun-protecting preparations; eye skin care products, namely, creams, gels, lotions, masks, and make-up removers; facial skin care products, namely, creams, milks, lotions, night cream, beautymasks, cleansers, creams, emulsions, scrubs, washes; hair care products, namely, conditioners, shampoos, hair dressing preparations, lotions, gels, mousse, and sprays; hand skin care products, namely, cleaners, creams, soaps, lotions, and scrubs; lip care products, namely, balms, creams, and gloss; dental care products, namely, dentifrices; essential oils for personal use; exfoliant creams for skin; perfumed and scented skin care products, namely, creams, powder, lotions, cream soaps, and soaps; skin moisturizing products, namely, creams, milks, and lotions; skin clarifiers; skin cleansers; skin fresheners; wrinkle removing skin care preparations; wrinkle resistant creams; wrinkle-minimizing cosmetic preparations for topical facial use

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| U.S. Application No. | 85824482 | Application Date | 01/16/2013 |
| Registration Date | NONE | Foreign Priority Date | 01/16/2013 |

Word Mark LAVERA

Design Mark

Lavera

Description of Mark NONE

Goods/Services Class 003. First use: First Use: 0 First Use In Commerce: 0
 Non-medicated skin care preparations; beauty preparations, namely, cosmetics; non-medicated milks, tonics, lotions, creams, emulsions, and gels for the face and body; non-medicated cleansing preparations for the face and body; skin astringents for cosmetic purposes; body mist; non-medicated foot soaks, depilatory creams; pumice stones for personal use; soaps; bubble bath; shower creams and gels; non-medicated skin care preparations, namely, skin exfoliating products; make-up removing preparations for the face; talcum powder; shampoos; hair lotions, oils, conditioners and repair preparations; hair dyes; hair spray, gel and mousse; hair brighteners; hair mascaras; shaving creams and gels; after-shave gels and lotions; perfumery; deodorants for personal use; essential oils; bath beads; bath oils and salts; cosmetics; skin masks; foundation cream; blush; bronzing powder; make up powder; facial shimmer preparations; mascara; eyeliners; cosmetic eye and lip pencils; eye shadows; lip balms; lip gloss; lipsticks; makeup removing preparations; nail polish; nail forms; false nails; nail polish remover; cuticle creams; preparations for strengthening nails; non-medicated concealer sticks; body glitter; sun-tanning lotions and creams for

the face and body; fake tan lotions and creams for the face and body; sunscreen creams; after sun lotions and creams for the face and body; Perfumes, eauxde toilette; bath and shower gels and salts not for medical purposes; toilet soaps; cosmetics, in particular creams, milks, lotions, gels and powders for the face, body and hands; cosmetics, namely, sun-tanning milks, gels and oils and after-sun preparations; make-up preparations; shampoos; gels, mousses, balms and preparations in aerosol form for hairdressing and hair care; hair lacquers; hair-coloring and hair-decolorizing preparations; preparations for waving and setting hair; cosmetics, decorative cosmetics; face creams and lotions; skin-cleansing lotions and creams, hand and body lotionsand creams; tinted moisturizing creams,make-up, foundation, face powder and rouge; blemish stick, lip pencils, eyeliner pens and mascara, eye shadow; sun carepreparations; foot-care preparations; foot creams and lotions; exfoliants for skin; abrasive implements in the form of pumice stones; non-medicated powders andlotions for foot spas; non-medicated body care products, namely, creams, lotions and polish; shower gels; hair care products, namely, shampoos, hair lotions, conditioning rinses, conditioners, combined shampoo and conditioner, hair sprays,styling mousse and gels; hair dyes; baby and infant care products, namely, babycreams, baby shampoos, and baby toothpaste; bath oils; skin oils and creams; anti-wrinkle creams; massage oils; grooming products for men, namely, shaving cream, after-shave balms; products for oral hygiene, not for medical purposes, namely, toothpaste; preparations for the mouth and for cleaning the mouth, breath-freshening and mouth-freshening preparations, namely, mouth sprays, mouth rinses, dentifrices, and toothpaste; antiperspirants

Class 005. First use: First Use: 0 First Use In Commerce: 0

Pharmaceutical products, namely, for the treatment of neurodermitis, acne, skinirritations, skin care problems; health-care products, namely, vitamins and dietary supplements; medicated lubricants; dietetic foods, namely, crackers, sweets, yogurts adapted for medical use; sanitary preparations for medical use; vitamin preparations; disinfectants for hygiene purposes; royal jelly for medical purposes; herbal teas for medicinal purposes; natural remedy preparations, namely, corn remedies for the treatment of hormonal and chemical imbalances, sleep disorders, skin care problems; headache pencils; lactose for medical purposes; milkinggrease for medical purposes; dietetic substances and beverages for babies, infants and children, namely, baby food and electrolyte beverages for medical purposes; nutritional supplements that may contain proteins, glucides, lipids, peptides and/or fibres, or micronutrients such as vitamins and/or minerals and/or aminoacids and/or fatty acids and/or plants,and/or vegetable extracts and/or purified molecules extracted from vegetables, for beauty and skin, body, face, hair or nail care, in the form of capsules, tablets, ampules, yeast, powders, bars, creams or drinks, for medical and/or cosmetics and/or food purposes; nutritional additives for medical purposes in the nature of natural food extracts derived frommeat, fish, poultry and game, meat extracts, fruit and canned vegetables, driedand cooked, jellies, jams, compotes, eggs, milk and milk products, edible oils and fats, for beauty and skin, body, face, hair or nail care in the form of capsules, tablets, vials, yeast, powders, bars, creams or beverages, for medical and/or cosmetics and/or food purposes; nutritional supplements that may contain coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour and preparations made from cereals, bread, pastry and confectionary, ices, honey, treacle,yeast, baking powder, salt, mustard, vinegar, sauces, condiments, spices, ice, for beauty and skin, body, face, hair or nail care, in the form of capsules, tablets, ampules, yeast, powders, bars, creams or drinks, for medical and/or cosmetics and/or food purposes; nutritional additives for medical purposes in the nature of natural food extracts derived fromagricultural, horticultural, forestry and seed products, fresh fruit and vegetables, seeds, plants and natural flowers,for beauty and skin, body, face, hair or nail care in the form of capsules, tablets, vials, yeast, powders, bars, creams or beverages, for medical and/or cosmetics and/or food purposes; nutritional additives for medical purposes in the nature of natural food extracts for beauty and skin, body, face, hair or nail care

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| | <p>in the form of vials for drinking or beverages, for medical and/or cosmetics and/or food purposes</p> <p>Class 032. First use: First Use: 0 First Use In Commerce: 0</p> <p>Anti-aging beverages, namely, beauty beverages, namely, energy drinks containing nutritional supplements</p> <p>Class 044. First use: First Use: 0 First Use In Commerce: 0</p> <p>Medical services; medical clinics; health care services, namely, home health care services, managed health care services, and holistic health care services; hygienic and beauty care services; aromatherapy services; massage; manicuring; beauty salons, hairdressing salons; hygienic and beauty care; health care consultancy; operating of wellness equipment, namely operating beauty salons and medical healing and thermal spas; consultancy in the field of hygienic and beauty care, in particular in the field of decorative cosmetics and anti-ageing; nutrition consultation</p> |
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| Attachments | <p>77697439#TMSN.png(bytes)</p> <p>85824482#TMSN.png(bytes)</p> <p>Notice of Opposition - LEIVAIRE.PDF(547120 bytes)</p> |
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

| | |
|-----------|--------------------------|
| Signature | /Susan Neuberger Weller/ |
| Name | Susan Neuberger Weller |
| Date | 09/30/2015 |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application No. 86493030 for LEIVAIRE

Published in the Official Gazette June 2, 2015

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| LAVERANA GMBH & CO. KG, |) | |
| |) | |
| Opposer, |) | |
| |) | |
| vs. |) | |
| |) | Opposition No. _____ |
| LEIVAIRE INC., |) | |
| |) | |
| Applicant. |) | |
| _____ |) | |

NOTICE OF OPPOSITION

Laverana GmbH & Co. KG (“Opposer”), a German limited partnership with a business address at Am Weingarten 4, Wennigsen, Germany, D-30974 believes that it will be damaged by registration of U.S. Application Serial No. 86493030 for the mark LEIVAIRE in Classes 35 and 41 for the following services:

Class 35: Import and export agencies; Customs clearance services

Class 41: Education services, namely, providing classes, seminars, and workshops on real estate, financial planning and investing

and hereby opposes the same.

Pursuant to 15 U.S.C. §§ 1052, 1063, and 1141 of the Lanham Act, and 37 C.F.R. §§ 2.101 and 2.104, and predicated upon the following grounds, Opposer alleges the following:

1. Opposer is an international cosmetics and skincare company which manufactures and sells natural and organic products worldwide including in the U.S. Its U.S. web site is at www.lavera.com.

2. Opposer owns a family of LAVERA marks which includes, but is not limited to, U.S. Registration Nos. 2687717 (incontestable) and 4230293 for the mark LAVERA and U.S. trademark Application No. 85824482 for the mark LAVERA which are registered or seek registration for the following products and services:

Registration 2687717:

IC 003. Cosmetics, namely, face creams and lotions, skin cleansers, personal hygiene products, namely, shower gels, shampoos and body lotions, sun screen preparations; products for babies' and children's care, namely, bathing oils, shampoos, skin oils and creams; men's care products, namely, shaving cream, after-shave balms, shower shampoos and deodorants; hair lotions, dentifrices, perfume, foot creams and lotions; foot care products, namely, abrasive devices in the nature of pumice stones, rasps, or files for treating corns and calluses, non-medicated powders and liquids for bathing feet, and non-electric massage devices, specifically, devices designed for massaging feet; decorative cosmetics, namely, tinted moisturizing creams, makeup, compact face powders and rouges, cover-up sticks, lipsticks, eye-decorating pencils and mascara

Registration 4230293:

IC 003: After-shave products, namely, lotions, cologne, balms, creams, emulsions, and gels; shaving preparations, namely, foams and gels; after-sun care products, namely, creams, gels, lotions, milks, and oils; age-retardant products, namely, gels, creams, and lotions; deodorants for personal use; anti-aging products, namely, cleansers, creams, moisturizers, and toners; anti-wrinkle creams; aromatherapy body care products, namely, body lotions, shower gels, shampoos, conditioners, non-medicated lip balms, soaps, body polish, body and foot scrub and non-medicated foot creams, oils, and sprays; baby skin and hair care products, namely, lotions, oils, powders, shampoos, hair conditioners; bath and shower products, namely, gels, salts, mineral salts, creams, lotions, oils, and soaps in liquid, or gel form not for medical purposes; beauty products, namely, creams, gels, lotions, masks, milks, and serums; body and beauty care cosmetics, namely, body creams, body deodorants, body lotions, body mask creams, body mask lotions, body milks, body oils, spray used as a personal deodorant and as fragrance, and body washes; cleansing products, namely, creams, milk; colognes and perfumes; color cosmetic products, namely, blush, blush pencils, chalk for cosmetic use, pencils, eyeliners, eye make-up, eye shadows, eyebrow cosmetics, face highlighters, rouges, lip liners, lipsticks, concealers for face and body, make-up, creamy face powder, glitter powder, pressed face powder, creamy foundation, foundation make-up, loose face powder, mascaras, and creamy rouges; cosmetic preparations, namely, preparations against sunburn, sun-tan preparations, and sun-protecting preparations; eye skin care products, namely, creams, gels, lotions, masks, and make-up removers. facial skin care products, namely, creams, milks, lotions, night cream, beauty masks, cleansers, creams, emulsions, scrubs, washes; hair care products, namely, conditioners, shampoos, hair dressing preparations, lotions, gels, mousse, and sprays; hand skin care products, namely, cleaners, creams, soaps, lotions, and scrubs; lip care

products, namely, balms, creams, and gloss; dental care products, namely, dentifrices; essential oils for personal use; exfoliant creams for skin; perfumed and scented skin care products, namely, creams, powder, lotions, cream soaps, and soaps; skin moisturizing products, namely, creams, milks, and lotions; skin clarifiers; skin cleansers; skin fresheners; wrinkle removing skin care preparations; wrinkle resistant creams; wrinkle-minimizing cosmetic preparations for topical facial use

Application SN 85824482:

IC 003: Non-medicated skin care preparations; beauty preparations, namely, cosmetics; non-medicated milks, tonics, lotions, creams, emulsions, and gels for the face and body; non-medicated cleansing preparations for the face and body; skin astringents for cosmetic purposes; body mist; non-medicated foot soaks, depilatory creams; pumice stones for personal use; soaps; bubble bath; shower creams and gels; non-medicated skin care preparations, namely, skin exfoliating products; make-up removing preparations for the face; talcum powder; shampoos; hair lotions, oils, conditioners and repair preparations; hair dyes; hair spray, gel and mousse; hair brighteners; hair mascaras; shaving creams and gels; after-shave gels and lotions; perfumery; deodorants for personal use; essential oils; bath beads; bath oils and salts; cosmetics; skin masks; foundation cream; blush; bronzing powder; make up powder; facial shimmer preparations; mascara; eyeliners; cosmetic eye and lip pencils; eye shadows; lip balms; lip gloss; lipsticks; makeup removing preparations; nail polish; nail forms; false nails; nail polish remover; cuticle creams; preparations for strengthening nails; non-medicated concealer sticks; body glitter; sun-tanning lotions and creams for the face and body; fake tan lotions and creams for the face and body; sunscreen creams; after sun lotions and creams for the face and body; Perfumes, eaux de toilette; bath and shower gels and salts not for medical purposes; toilet soaps; cosmetics, in particular creams, milks, lotions, gels and powders for the face, body and hands; cosmetics, namely, sun-tanning milks, gels and oils and after-sun preparations; make-up preparations; shampoos, gels, mousses, balms and preparations in aerosol form for hairdressing and hair care; hair lacquers; hair-coloring and hair-decolorizing preparations; preparations for waving and setting hair; cosmetics, decorative cosmetics; face creams and lotions; skin-cleansing lotions and creams, hand and body lotions and creams; tinted moisturizing creams, make-up, foundation, face powder and rouge; blemish stick, lip pencils, eyeliner pens and mascara, eye shadow; sun care preparations; foot-care preparations; foot creams and lotions; exfoliants for skin; abrasive implements in the form of pumice stones; non-medicated powders and lotions for foot spas; non-medicated body care products, namely, creams, lotions and polish; shower gels; hair care products, namely, shampoos, hair lotions, conditioning rinses, conditioners, combined shampoo and conditioner, hair sprays, styling mousse and gels; hair dyes; baby and infant care products, namely, baby creams, baby shampoos, and baby toothpaste; bath oils; skin oils and creams; anti-wrinkle creams; massage oils; grooming products for men, namely, shaving cream, after-shave balms; products for oral hygiene, not for medical purposes, namely, toothpaste; preparations for the mouth and for cleaning the mouth, breath-freshening and mouth-freshening preparations, namely, mouth sprays, mouth rinses, dentifrices, and toothpaste; antiperspirants

IC 005: Pharmaceutical products, namely, for the treatment of neurodermitis, acne, skin irritations, skin care problems; health-care products, namely, vitamins and dietary supplements; medicated lubricants; dietetic foods, namely, crackers, sweets, yogurts adapted for medical use; sanitary preparations for medical use; vitamin preparations; disinfectants for hygiene purposes; royal jelly for medical purposes; herbal teas for medicinal purposes; natural remedy preparations, namely, corn remedies for the treatment of hormonal and chemical imbalances, sleep disorders, skin care problems; headache pencils; lactose for medical purposes; milking grease for medical purposes; dietetic substances and beverages for babies, infants and children, namely, baby food and electrolyte beverages for medical purposes; nutritional supplements that may contain proteins, glucides, lipids, peptides and/or fibres, or micronutrients such as vitamins and/or minerals and/or amino acids and/or fatty acids and/or plants, and/or vegetable extracts and/or purified molecules extracted from vegetables, for beauty and skin, body, face, hair or nail care, in the form of capsules, tablets, ampules, yeast, powders, bars, creams or drinks, for medical and/or cosmetics and/or food purposes; nutritional additives for medical purposes in the nature of natural food extracts derived from meat, fish, poultry and game, meat extracts, fruit and canned vegetables, dried and cooked, jellies, jams, compotes, eggs, milk and milk products, edible oils and fats, for beauty and skin, body, face, hair or nail care in the form of capsules, tablets, vials, yeast, powders, bars, creams or beverages, for medical and/or cosmetics and/or food purposes. nutritional supplements that may contain coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour and preparations made from cereals, bread, pastry and confectionary, ices, honey, treacle, yeast, baking powder, salt, mustard, vinegar, sauces, condiments, spices, ice, for beauty and skin, body, face, hair or nail care, in the form of capsules, tablets, ampules, yeast, powders, bars, creams or drinks, for medical and/or cosmetics and/or food purposes; nutritional additives for medical purposes in the nature of natural food extracts derived from agricultural, horticultural, forestry and seed products, fresh fruit and vegetables, seeds, plants and natural flowers, for beauty and skin, body, face, hair or nail care in the form of capsules, tablets, vials, yeast, powders, bars, creams or beverages, for medical and/or cosmetics and/or food purposes; nutritional additives for medical purposes in the nature of natural food extracts for beauty and skin, body, face, hair or nail care in the form of vials for drinking or beverages, for medical and/or cosmetics and/or food purposes

IC 032: Anti-aging beverages, namely, beauty beverages, namely, energy drinks containing nutritional supplements

IC 044: Medical services; medical clinics; health care services, namely, home health care services, managed health care services, and holistic health care services; hygienic and beauty care services; aromatherapy services; massage; manicuring; beauty salons, hairdressing salons; hygienic and beauty care; health care consultancy; operating of wellness equipment, namely operating beauty salons and medical healing and thermal spas; consultancy in the field of hygienic and beauty care, in particular in the field of decorative cosmetics and anti-ageing; nutrition consultation

Copies of the three US Certificates of Registration, Sections 8 & 15 and Sections 8 & 9 acceptance documents, and the USPTO TESS printout for the pending Application are attached hereto and incorporated herein by reference as Exhibit A. (“Opposer’s Family of LAVERA Marks”).

3. Upon information and belief, Leivaira Inc. (“Applicant”) is a Canadian corporation with an address at Suite 302, 3601 Hwy 7 East, HSBC Tower, Markham, Ontario, Canada L3R0M3 and seeks to register the mark LEIVAIRA for:

Class 35:: Import and export agencies; Customs clearance services

Class 41: Education services, namely, providing classes, seminars, and workshops on real estate, financial planning and investing

pursuant to U.S. Application Serial No. 86493030 filed on December 31, 2014 under Section 1(a) of the U.S. Trademark Act (“Applicant’s Mark” or “Applicant’s Application”). Opposer does not oppose registration of Applicant’s mark in Class 42 as set forth in Applicant’s Application.

4. Applicant’s Mark LEIVAIRA is likely to cause confusion with Opposer’s Family of LAVERA Marks when used for the services in Classes 35 and 41 as set forth in Applicant’s Application, is likely to deceive purchasers and potential purchasers of Applicant’s services and Opposer’s goods and/or services into erroneously believing that there is some relationship between Opposer and Applicant, or that Opposer has authorized, sponsored, or licensed Applicant’s use of the mark LEIVAIRA in violation of 15 U.S.C. § 1052(d).

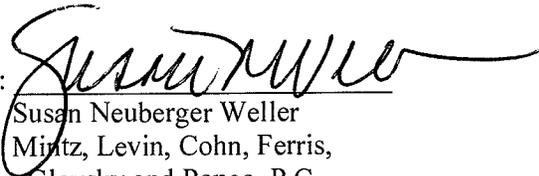
5. Opposer has used its Family of LAVERA Marks for over twenty five years throughout the world and in the U.S. since, at least, 1999. Opposer has established a well known reputation under its Family of LAVERA Marks in the same market in which and to the same customers to which Applicant does or will market and sell its Class 35 and 41 services. Thus, it is highly likely that confusion will occur between the two marks at issue.

6. Registration of Applicant's Mark will damage Opposer since such registration will give color of exclusive statutory rights to Applicant in the mark LEIVAIRA in derogation and violation of the prior and superior federal rights of Opposer.

WHEREFORE, Opposer Laverana GmbH & Co. KG believes that it will be damaged by the registration of U.S. Application Serial No. 86493030 for the mark LEIVAIRA in Classes 35 and 41 and, therefore, respectfully requests that the Trademark Trial and Appeal Board refuse registration of Applicant's Mark under 15 U.S.C. §1052(d).

Respectfully submitted,

LAVERANA GMBH & CO. KG

By: 

Susan Neuberger Weller
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Suite 900
Washington, D.C. 20004
Telephone: (202) 585-3510
Facsimile: (202) 434-7400
E-mail: snweller@mintz.com

Attorney for Opposer
LAVERANA GmbH & Co. KG

Dated: September 30, 2015

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF OPPOSITION was served by U.S. first class mail, postage prepaid, on this 30TH day of September, 2015 on the following:

*President
Leivaira Inc.
3601 Hwy 7 East HSBC Tower
Markham
Ontario
CANADA L3R0M3
Applicant*

_____/Shelly Gause/_____
Shelly Gause

43495439v.1

EXHIBIT A

Int. Cls.: 3 and 5

Prior U.S. Cls.: 1, 4, 6, 18, 44, 46, 50, 51 and 52

Reg. No. 2,687,717

United States Patent and Trademark Office

Registered Feb. 18, 2003

**TRADEMARK
PRINCIPAL REGISTER**

LAVERA

LAVERA NATURKOSMETIK GMBH (FED REP
GERMANY CORPORATION)
AM WEINGARTEN 4
30974 WENNIGSEN, FED REP GERMANY

FOR: COSMETICS, NAMELY, FACE CREAMS
AND LOTIONS, SKIN CLEANSERS, PERSONAL
HYGIENE PRODUCTS, NAMELY, SHOWER GELS,
SHAMPOOS AND BODY LOTIONS, SUN SCREEN
PREPARATIONS; PRODUCTS FOR BABIES' AND
CHILDRENS' CARE, NAMELY, BATHING OILS,
SHAMPOOS, SKIN OILS AND CREAMS; MEN'S
CARE PRODUCTS, NAMELY, SHAVING CREAM,
AFTER-SHAVE BALMS, SHOWER SHAMPOOS
AND DEODORANTS; HAIR LOTIONS, DENTIFRI-
CES, PERFUME, FOOT CREAMS AND LOTIONS;
FOOT CARE PRODUCTS, NAMELY, ABRASIVE
DEVICES IN THE NATURE OF PUMICE STONES,
RASPS, OR FILES FOR TREATING CORNS AND
CALLUSES, NON-MEDICATED POWDERS AND
LIQUIDS FOR BATHING FEET, AND NON-ELEC-

RIC MASSAGE DEVICES, SPECIFICALLY, DEVI-
CES DESIGNED FOR MASSAGING FEET;
DECORATIVE COSMETICS, NAMELY, TINTED
MOISTURIZING CREAMS, MAKEUP, COMPACT
FACE POWDERS AND ROUGES, COVER-UP
STICKS, LIPSTICKS, EYE-DECORATING PENCILS
AND MASCARA, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51
AND 52).

FOR: NUTRITIONAL SUPPLEMENTS AND VI-
TAMINS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND
52).

OWNER OF FED REP GERMANY REG. NO.
1087216, DATED 2-22-1999, EXPIRES 12-31-2005.

SER. NO. 75-646,981, FILED 2-22-1999.

M. E. BODSON, EXAMINING ATTORNEY

Side - 1



**NOTICE OF ACCEPTANCE OF §8
DECLARATION AND §9 RENEWAL
MAILING DATE: Jan 24, 2013**

The declaration and renewal application filed in connection with the registration identified below meets the requirements of Sections 8 and 9 of the Trademark Act, 15 U.S.C. §§1058 and 1059. The declaration is accepted and renewal is granted. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

REG NUMBER: 2687717
MARK: LAVERA
OWNER: LAVERANA GMBH & CO. KG

Side - 2

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Nina Shreve
FITZPATRICK, CELLA, HARPER & SCINTO
1290 AVENUE OF THE AMERICAS
NEW YORK, NY 10104-3800



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[<< Long Last](#)



Intense Volumizing M.

This volume intense mascara works to gi serious impact. Treat yourself to longer, t lashes with a coat of this intense mascan extra-volume brush and an innovative qu your lashes will get all the extra dazzle, w or clumping! Gentle for sensitive or irritat

SKU LAV:21079 Volume 13 r
Availability : In stock

Price **\$25.70**

Quantity 1



[Description](#) [Ingredients](#)

This super-intense formula creat thanks to a new extra-volume bri lashes from sticking. Made with : refined mineral pigments make f

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**Combined Declaration of Use and Incontestability under Sections
8 & 15**

The table below presents the data as entered.

| Input Field | Entered |
|-----------------------------------|-------------------------------------|
| REGISTRATION NUMBER | 2687717 |
| REGISTRATION DATE | 02/18/2003 |
| SERIAL NUMBER | 75646981 |
| MARK SECTION | |
| MARK | LAVERA |
| OWNER SECTION (current) | |
| NAME | Lavera Naturkosmetik GmbH |
| STREET | Am Weingarten 4 |
| CITY | 30974 Wennigsen |
| COUNTRY | DE |
| OWNER SECTION (proposed) | |
| NAME | laverana GmbH |
| STREET | Am Weingarten 4 |
| CITY | 30974 Wennigsen |
| COUNTRY | DE |
| ATTORNEY SECTION (current) | |
| NAME | Nina Shreve |
| FIRM NAME | FITZPATRICK, CELLA, HARPER & SCINTO |
| STREET | 30 ROCKEFELLER PLAZA |
| CITY | NEW YORK NEW |
| STATE | YORK |

| | |
|--------------------------------------|---|
| POSTAL CODE | 10112 |
| COUNTRY | United States |
| ATTORNEY DOCKET NUMBER | 1849.7 |
| ATTORNEY SECTION (proposed) | |
| NAME | Nina Shreve |
| FIRM NAME | FITZPATRICK, CELLA, HARPER & SCINTO |
| STREET | 30 ROCKEFELLER PLAZA |
| CITY | NEW YORK |
| STATE | New York |
| POSTAL CODE | 10112 |
| COUNTRY | United States |
| ATTORNEY DOCKET NUMBER | 1849.7 |
| GOODS AND/OR SERVICES SECTION | |
| INTERNATIONAL CLASS | 003 |
| GOODS OR SERVICES TO BE DELETED | PERFUME, FOOT CREAMS AND LOTIONS; FOOT CARE PRODUCTS, NAMELY, ABRASIVE DEVICES IN THE NATURE OF PUMICE STONES, RASPS, OR FILES FOR TREATING CORNS AND CALLUSES, NON-MEDICATED POWDERS AND LIQUIDS FOR BATHING FEET, AND NON-ELECRIC MASSAGE DEVICES, SPECIFICALLY, DEVICES DESIGNED FOR MASSAGING FEET |
| GOODS OR SERVICES IN USE IN COMMERCE | COSMETICS, NAMELY, FACE CREAMS AND LOTIONS, SKIN CLEANSERS, PERSONAL HYGIENE PRODUCTS, NAMELY, SHOWER GELS, SHAMPOOS AND BODY LOTIONS, SUN SCREEN PREPARATIONS; PRODUCTS FOR BABIES' AND CHILDRENS' CARE, NAMELY, BATHING OILS, SHAMPOOS, SKIN OILS AND CREAMS; MEN'S CARE PRODUCTS, NAMELY, SHAVING CREAM, AFTER-SHAVE BALMS, SHOWER SHAMPOOS AND DEODORANTS; HAIR LOTIONS, DENTIFRICES, DECORATIVE COSMETICS, NAMELY, TINTED MOISTURIZING CREAMS, MAKEUP, COMPACT FACE POWDERS AND ROUGES, COVER-UP STICKS, LIPSTICKS, EYE-DECORATING PENCILS AND MASCARA |
| SPECIMEN FILE NAME(S) | |
| ORIGINAL PDF FILE | <u>SPN0-216911276-150544399 . Lavera2.pdf</u> |
| CONVERTED | |

PDF FILE(S) \\TICRS\EXPORT6\IMAGEOUT6\756\469\75646981\xml1\8150002.JPG
(2 pages)

\\TICRS\EXPORT6\IMAGEOUT6\756\469\75646981\xml1\8150003.JPG

SPECIMEN DESCRIPTION Image showing use of the mark on face cream.

INTERNATIONAL CLASS 005

GOODS OR SERVICES DELETE ENTIRE CLASS

PAYMENT SECTION

NUMBER OF CLASSES 2

NUMBER OF CLASSES PAID 1

SUBTOTAL AMOUNT 300

GRACE PERIOD 100

TOTAL FEE PAID 400

SIGNATURE SECTION

SIGNATURE /Thomas Haase/

SIGNATORY'S NAME Thomas Haase

SIGNATORY'S POSITION Managing Director

DATE SIGNED 03/24/2009

PAYMENT METHOD DA

FILING INFORMATION

SUBMIT DATE Tue Mar 24 15:51:09 EDT 2009

TEAS STAMP USPTO/S08N15-216.91.12.76
-20090324155109976624-268
7717-4404eeb478d9d77e4828
081f9c519525ffe-DA-1249-2
0090317150544399469

**Combined Declaration of Use and Incontestability under Sections 8 & 15
To the Commissioner for Trademarks:**

REGISTRATION NUMBER: 2687717
REGISTRATION DATE: 02/18/2003

MARK: LAVERA

The owner, laverana GmbH, having an address of
Am Weingarten 4
30974 Wennigsen,
DE

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class 003, this filing does **NOT** cover the following goods or services for this specific class listed in the registration, and these goods or services are to be permanently **deleted** from the registration. PERFUME, FOOT CREAMS AND LOTIONS; FOOT CARE PRODUCTS, NAMELY, ABRASIVE DEVICES IN THE NATURE OF PUMICE STONES, RASPS, OR FILES FOR TREATING CORNS AND CALLUSES, NON-MEDICATED POWDERS AND LIQUIDS FOR BATHING FEET, AND NON-ELECTRIC MASSAGE DEVICES, SPECIFICALLY, DEVICES DESIGNED FOR MASSAGING FEET

The mark is in use in commerce on or in connection with the following goods or services listed in the existing registration for this specific class: COSMETICS, NAMELY, FACE CREAMS AND LOTIONS, SKIN CLEANSERS, PERSONAL HYGIENE PRODUCTS, NAMELY, SHOWER GELS, SHAMPOOS AND BODY LOTIONS, SUN SCREEN PREPARATIONS; PRODUCTS FOR BABIES' AND CHILDRENS' CARE, NAMELY, BATHING OILS, SHAMPOOS, SKIN OILS AND CREAMS; MEN'S CARE PRODUCTS, NAMELY, SHAVING CREAM, AFTER-SHAVE BALMS, SHOWER SHAMPOOS AND DEODORANTS; HAIR LOTIONS, DENTIFRICES, DECORATIVE COSMETICS, NAMELY, TINTED MOISTURIZING CREAMS, MAKEUP, COMPACT FACE POWDERS AND ROUGES, COVER-UP STICKS, LIPSTICKS, EYE-DECORATING PENCILS AND MASCARA

The owner is submitting one specimen for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Image showing use of the mark on face cream..

Original PDF file:

[SPN0-216911276-150544399 . Lavera2.pdf](#)

Converted PDF file(s) (2 pages)

[Specimen File1](#)

[Specimen File2](#)

For International Class 005, this filing does **not** cover this specific class. This entire class is to be permanently **deleted** from the registration.

The registrant hereby appoints Nina Shreve of FITZPATRICK, CELLA, HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, New York 10112
United States

to file this Combined Declaration of Use and Incontestability under Sections 8 & 15 on behalf of the registrant. The attorney docket/reference number is 1849.7.

A fee payment in the amount of \$400 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

The mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce. There has been no final decision adverse to the owner's claim of ownership of such mark, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Thomas Haase/ Date: 03/24/2009
Signatory's Name: Thomas Haase
Signatory's Position: Managing Director

Mailing Address (current):
FITZPATRICK, CELLA, HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NEW, YORK 10112

Mailing Address (proposed):
FITZPATRICK, CELLA, HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, New York 10112

Serial Number: 75646981
Internet Transmission Date: Tue Mar 24 15:51:09 EDT 2009
TEAS Stamp: USPTO/S08N15-216.91.12.76-20090324155109
976624-2687717-4404eeb478d9d77e4828081f9
c519525ffe-DA-1249-20090317150544399469

Lavera Organic All Natural Makeup and Skin Care | Neutral Face Cream, 1.6 oz

Neutral Tooth Gel, 2.5 oz
\$9.90

http://www.lavera.com/products/Neutral_Face_Cream_1_6_oz-37-3.html (2 of 2) [3/17/2009 2:49:15 PM]

United States of America

United States Patent and Trademark Office

LAVERA

Reg. No. 4,230,293

Registered Oct. 23, 2012

Int. Cl.: 3

TRADEMARK

PRINCIPAL REGISTER

LAVERANA GMBH & CO. KG (FED REP GERMANY LIMITED PARTNERSHIP)
AM WEINGARTEN 4
WENNIGSEN, FED REP GERMANY D-30974

FOR: AFTER-SHAVE PRODUCTS, NAMELY, LOTIONS, COLOGNE, BALMS, CREAMS, EMULSIONS, AND GELS; SHAVING PREPARATIONS, NAMELY, FOAMS AND GELS; AFTER-SUN CARE PRODUCTS, NAMELY, CREAMS, GELS, LOTIONS, MILKS, AND OILS; AGE-RETARDANT PRODUCTS, NAMELY, GELS, CREAMS, AND LOTIONS; DEODORANTS FOR PERSONAL USE; ANTI-AGING PRODUCTS, NAMELY, CLEANSERS, CREAMS, MOISTURIZERS, AND TONERS; ANTI-WRINKLE CREAMS; AROMATHERAPY BODY CARE PRODUCTS, NAMELY, BODY LOTIONS, SHOWER GELS, SHAMPOOS, CONDITIONERS, NON-MEDICATED LIP BALMS, SOAPS, BODY POLISH, BODY AND FOOT SCRUB AND NON-MEDICATED FOOT CREAMS, OILS, AND SPRAYS; BABY SKIN AND HAIR CARE PRODUCTS, NAMELY, LOTIONS, OILS, POWDERS, SHAMPOOS, HAIR CONDITIONERS; BATH AND SHOWER PRODUCTS, NAMELY, GELS, SALTS, MINERAL SALTS, CREAMS, LOTIONS, OILS, AND SOAPS IN LIQUID, OR GEL FORM NOT FOR MEDICAL PURPOSES; BEAUTY PRODUCTS, NAMELY, CREAMS, GELS, LOTIONS, MASKS, MILKS, AND SERUMS; BODY AND BEAUTY CARE COSMETICS, NAMELY, BODY CREAMS, BODY DEODORANTS, BODY LOTIONS, BODY MASK CREAMS, BODY MASK LOTIONS, BODY MILKS, BODY OILS, SPRAY USED AS A PERSONAL DEODORANT AND AS FRAGRANCE, AND BODY WASHES; CLEANSING PRODUCTS, NAMELY, CREAMS, MILK, COLOGNES AND PERFUMES; COLOR COSMETIC PRODUCTS, NAMELY, BLUSH, BLUSH PENCILS, CHALK FOR COSMETIC USE, PENCILS, EYELINERS, EYE MAKE-UP, EYE SHADOWS, EYEBROW COSMETICS, FACE HIGHLIGHTERS, ROUGES, LIP LINERS, LIP STICKS, CONCEALERS FOR FACE AND BODY, MAKE-UP, CREAMY FACE POWDER, GLITTER POWDER, PRESSED FACE POWDER, CREAMY FOUNDATION, FOUNDATION MAKE-UP, LOOSE FACE POWDER, MASCARAS, AND CREAMY ROUGES; COSMETIC PREPARATIONS, NAMELY, PREPARATIONS AGAINST SUNBURN, SUN-TAN PREPARATIONS, AND SUN-PROTECTING PREPARATIONS; EYE SKIN CARE PRODUCTS, NAMELY, CREAMS, GELS, LOTIONS, MASKS, AND MAKE-UP REMOVERS; FACIAL SKIN CARE PRODUCTS, NAMELY, CREAMS, MILKS, LOTIONS, NIGHT CREAM, BEAUTY MASKS, CLEANSERS, CREAMS, EMULSIONS, SCRUBS, WASHES; HAIR CARE PRODUCTS, NAMELY, CONDITIONERS, SHAMPOOS, HAIR DRESSING PREPARATIONS, LOTIONS, GELS, MOUSSE, AND SPRAYS; HAND SKIN CARE PRODUCTS, NAMELY, CLEANERS, CREAMS, SOAPS, LOTIONS, AND SCRUBS; LIP CARE PRODUCTS, NAMELY, BALMS, CREAMS, AND GLOSS; DENTAL CARE PRODUCTS, NAMELY, DENTIFRICES; ESSENTIAL OILS FOR PERSONAL USE; EXFOLIANT CREAMS FOR SKIN; PERFUMED AND SCENTED



David J. Kypas

Director of the United States Patent and Trademark Office

Reg. No. 4,230,293 SKIN CARE PRODUCTS, NAMELY, CREAMS, POWDER, LOTIONS, CREAM SOAPS, AND SOAPS; SKIN MOISTURIZING PRODUCTS, NAMELY, CREAMS, MILKS, AND LOTIONS; SKIN CLARIFIERS; SKIN CLEANSERS; SKIN FRESHENERS; WRINKLE REMOVING SKIN CARE PREPARATIONS; WRINKLE RESISTANT CREAMS; WRINKLE-MINIMIZING COSMETIC PREPARATIONS FOR TOPICAL FACIAL USE, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-30-1987; IN COMMERCE 5-31-1999.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,687,717.

THE WORDING "LAVERA" HAS NO MEANING IN A FOREIGN LANGUAGE.

SN 77-697,439, FILED 3-24-2009.

DOMINIC FATHY, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.



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Lavera

Word Mark LAVERA

Goods and Services

IC 003. US 001 004 006 050 051 052. G & S: Non-medicated skin care preparations; beauty preparations, namely, cosmetics; non-medicated milks, tonics, lotions, creams, emulsions, and gels for the face and body; non-medicated cleansing preparations for the face and body; skin astringents for cosmetic purposes; body mist; non-medicated foot soaks, depilatory creams; pumice stones for personal use; soaps; bubble bath; shower creams and gels; non-medicated skin care preparations, namely, skin exfoliating products; make-up removing preparations for the face; talcum powder; shampoos; hair lotions, oils, conditioners and repair preparations; hair dyes; hair spray, gel and mousse; hair brighteners; hair mascaras; shaving creams and gels; after-shave gels and lotions; perfumery; deodorants for personal use; essential oils; bath beads; bath oils and salts; cosmetics; skin masks; foundation cream; blush; bronzing powder; make up powder; facial shimmer preparations; mascara; eyeliners; cosmetic eye and lip pencils; eye shadows; lip balms; lip gloss; lipsticks; makeup removing preparations; nail polish; nail forms; false nails; nail polish remover; cuticle creams; preparations for strengthening nails; non-medicated concealer sticks; body glitter; sun-tanning lotions and creams for the face and body; fake tan lotions and creams for the face and body; sunscreen creams; after sun lotions and creams for the face and body; Perfumes, eaux de toilette; bath and shower gels and salts not for medical purposes; toilet soaps; cosmetics, in particular creams, milks, lotions, gels and powders for the face, body and hands; cosmetics, namely, sun-tanning milks, gels and oils and after-sun preparations; make-up preparations; shampoos, gels, mousses, balms and preparations in aerosol form for hairdressing and hair care; hair lacquers; hair-coloring and hair-decolorizing preparations; preparations for waving and setting hair; cosmetics, decorative cosmetics; face creams and lotions; skin-cleansing lotions and creams, hand and body lotions and creams; tinted moisturizing creams, make-up, foundation, face powder and rouge; blemish stick, lip pencils, eyeliner pens and mascara, eye shadow; sun care preparations; foot-care preparations; foot creams and lotions; exfoliants for skin; abrasive implements in the form of pumice stones; non-medicated powders and lotions for foot spas; non-medicated body care products, namely, creams, lotions and polish; shower

gels; hair care products, namely, shampoos, hair lotions, conditioning rinses, conditioners, combined shampoo and conditioner, hair sprays, styling mousse and gels; hair dyes; baby and infant care products, namely, baby creams, baby shampoos, and baby toothpaste; bath oils; skin oils and creams; anti-wrinkle creams; massage oils; grooming products for men, namely, shaving cream, after-shave balms; products for oral hygiene, not for medical purposes, namely, toothpaste; preparations for the mouth and for cleaning the mouth, breath-freshening and mouth-freshening preparations, namely, mouth sprays, mouth rinses, dentifrices, and toothpaste; antiperspirants

IC 005. US 006 018 044 046 051 052. G & S: Pharmaceutical products, namely, for the treatment of neurodermitis, acne, skin irritations, skin care problems; health-care products, namely, vitamins and dietary supplements; medicated lubricants; dietetic foods, namely, crackers, sweets, yogurts adapted for medical use; sanitary preparations for medical use; vitamin preparations; disinfectants for hygiene purposes; royal jelly for medical purposes; herbal teas for medicinal purposes; natural remedy preparations, namely, corn remedies for the treatment of hormonal and chemical imbalances, sleep disorders, skin care problems; headache pencils; lactose for medical purposes; milking grease for medical purposes; dietetic substances and beverages for babies, infants and children, namely, baby food and electrolyte beverages for medical purposes; nutritional supplements that may contain proteins, glucides, lipids, peptides and/or fibres, or micronutrients such as vitamins and/or minerals and/or amino acids and/or fatty acids and/or plants, and/or vegetable extracts and/or purified molecules extracted from vegetables, for beauty and skin, body, face, hair or nail care, in the form of capsules, tablets, ampules, yeast, powders, bars, creams or drinks, for medical and/or cosmetics and/or food purposes; nutritional additives for medical purposes in the nature of natural food extracts derived from meat, fish, poultry and game, meat extracts, fruit and canned vegetables, dried and cooked, jellies, jams, compotes, eggs, milk and milk products, edible oils and fats, for beauty and skin, body, face, hair or nail care in the form of capsules, tablets, vials, yeast, powders, bars, creams or beverages, for medical and/or cosmetics and/or food purposes. nutritional supplements that may contain coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour and preparations made from cereals, bread, pastry and confectionary, ices, honey, treacle, yeast, baking powder, salt, mustard, vinegar, sauces, condiments, spices, ice, for beauty and skin, body, face, hair or nail care, in the form of capsules, tablets, ampules, yeast, powders, bars, creams or drinks, for medical and/or cosmetics and/or food purposes; nutritional additives for medical purposes in the nature of natural food extracts derived from agricultural, horticultural, forestry and seed products, fresh fruit and vegetables, seeds, plants and natural flowers, for beauty and skin, body, face, hair or nail care in the form of capsules, tablets, vials, yeast, powders, bars, creams or beverages, for medical and/or cosmetics and/or food purposes; nutritional additives for medical purposes in the nature of natural food extracts for beauty and skin, body, face, hair or nail care in the form of vials for drinking or beverages, for medical and/or cosmetics and/or food purposes

IC 032. US 045 046 048. G & S: Anti-aging beverages, namely, beauty beverages, namely, energy drinks containing nutritional supplements

IC 044. US 100 101. G & S: Medical services; medical clinics; health care services, namely, home health care services, managed health care services, and holistic health care services; hygienic and beauty care services; aromatherapy services; massage; manicuring; beauty salons, hairdressing salons; hygienic and beauty care; health care consultancy; operating of wellness equipment, namely operating beauty salons and medical healing and thermal spas; consultancy in the field of hygienic and beauty care, in particular in the field of decorative cosmetics and anti-ageing; nutrition consultation

**Standard
Characters
Claimed**

**Mark
Drawing
Code**

(4) STANDARD CHARACTER MARK

**Serial
Number**

85824482

Filing Date

January 16, 2013

**Current
Basis**

44D

**Original
Filing Basis**

44D

Owner

(APPLICANT) Laverana GmbH & Co. KG gmbh & co. kg FED REP GERMANY Am Weingarten 4

Wennigsen FED REP GERMANY D-30974

Attorney of Record Holiday W. Banta

Priority Date January 16, 2013

Description of Mark Color is not claimed as a feature of the mark.

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

| | | | | | | | | | |
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